

**UNITED STATES DISTRICT AND BANKRUPTCY COURT  
FOR THE DISTRICT OF IDAHO**

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**Cameron S. Burke**  
Court Executive/Clerk of Court

November 26, 2008

**Memorandum**

To: Members of the Bar and Public  
From: Cameron S. Burke, Court Executive  
Subject: **Proposed Local Rule Amendments**

After review and consideration by the District Court Local Rules Committee, the Judges have recommended changes to the attached District Court Local Rules.

The Court invites comments on the proposed Local Rule amendments which will take effect on **January 1, 2009**.

If you have any comments or suggestions, please send them to Cameron Burke, 550 W. Fort St., Boise, Idaho 83724 or e-mail them to [Cam\\_Burke@id.uscourts.gov](mailto:Cam_Burke@id.uscourts.gov), **no later than December 26, 2008**.

Thanks for your consideration in this matter.

## **CIVIL RULE 83.4 BAR ADMISSION**

**(a) Admission to the Bar of this Court.** Admission to and continuing membership in the bar of this Court is limited to attorneys of good moral character who are active members in good standing of the Idaho State Bar. Each applicant for admission must present to the Clerk a written petition for admission stating the applicant's residence and office addresses and by what courts he or she has been admitted to practice and the respective dates of admission to those courts. Upon qualification, the applicant may be admitted upon written or oral motion as determined by the Court. Before any certificate of admission shall issue, the applicant must sign the prescribed oath. Generally, the applicant must personally appear before the Court; however, in exceptional circumstances the Court may waive this requirement.

**(b) Practice in this Court.** Except as herein otherwise provided, only members of the bar of this Court may practice in this Court. Only a member of the bar of this Court may appear for a party, sign stipulations, or receive payment or enter satisfactions of judgment, decree, or order.

**(c) Attorneys for the United States, Federal Defender Organizations.** An attorney **for the United States or for a Federal Defender Organization, and** ~~who is not eligible for admission under Dist. Idaho Loc. Civ. R. 83.4 hereof, but~~ who is a member in good standing of and eligible to practice before the bar of any United States Court or of the highest court of any state or of any territory or of any insular possession of the United States, and who is of good moral character, may practice in this Court in any matter in which the attorney is employed or retained by the United States or its agencies and is representing the United States or any of its officers or agencies or in which the attorney is part of a federal defender organization and is appointed by the Court to represent a criminal defendant. (Dist. Idaho Loc. Crim. R. 44.1) Attorneys so permitted to practice in this Court are subject to the jurisdiction of the Court with respect to their conduct to the same extent as members of the bar of this Court.

**(d) Appearance by Entities Other Than an Individual.** Whenever an entity other than an individual desires or is required to make an appearance in this Court, the appearance shall be made only by an attorney of the bar of this Court or an attorney permitted to practice under these rules.

**\*(effective May 15, 2006)**

**\*(e) Pro Hac Vice/Local Counsel.** An attorney not eligible for admission under Dist. Idaho Loc. Civ. R. 83.4(a) hereof, but who is a member in good standing of and eligible to practice before the bar of any United States Court or of the highest court of any state or of any territory or insular possession of the United States, who is of good moral character, and who has been retained to appear in this Court, may, upon written application and in the discretion of the Court, be permitted to appear and participate in a particular case, and no certificate of admission must be issued by the Clerk. The attorney filing pro hac vice must first (1) designate a member of the bar of this Court who maintains an office within this Court as co-counsel with the authority to act as attorney of record for all purposes, and (2) file with such designation the address, telephone number, and written consent of such designee. Designated local counsel shall be responsible both for filing the pro hac vice application through ECF and for payment of the prescribed fee. The pro hac vice application must

be presented to the Clerk and must state under penalty of perjury (1) the attorney's residence and office addresses, (2) by what court(s) the attorney has been admitted to practice and the date(s) of admission, (3) that the attorney is in good standing and eligible to practice in said court(s), and (4) that the attorney is not currently suspended or disbarred in any other court(s). Upon the electronic filing of the pro hac vice application and payment of fees by designated local counsel, and granting of the application by the Court, out-of-state counsel shall immediately register for ECF. Absent Court approval, an attorney who has been admitted pro hac vice for a particular case and received an ECF login and password, may not use these in a subsequent, unrelated case. All pleadings filed with the Clerk of Court must contain the names and addresses and original signatures of the attorney appearing pro hac vice and associated local counsel. The designee must personally appear with the attorney on all matters heard and tried before this Court unless such presence is excused by the Court.

**(f) Non-Appropriated Fund.**

(1) Attorneys admitted to the bar of this Court under the conditions prescribed in Dist. Idaho Loc. Civ. R. 83.4 must be required to pay to the Clerk of Court an admission fee in accordance with Appendix I.

(2) Attorneys not admitted to the bar of this Court who, upon the filing of a verified petition for permission to practice in an individual case, are admitted under the conditions prescribed in Dist. Idaho Loc. Civ. R. 83.4(e), must be required to pay a fee in accordance with Appendix I.

(3) Monies deposited into the Non-Appropriated Fund must be used for purposes which inure to the benefit of members of the bench and bar of this Court in the administration of justice.

(4) Attorneys for the United States, and Federal Public Defender, shall not pay the admission fees specified above.

**CIVIL RULE 81.1**  
**REMOVAL ACTIONS -- STATE COURT RECORDS**

(a) This rule applies to civil actions removed to the United States District Court for the District of Idaho from the state courts and governs procedure after removal. The removing party must file:

(1) A copy of the entire state court record ~~and the docket sheet~~ and the **Register of Actions** must be provided at the time of filing the notice of removal, and

(2) A **Civil Cover Sheet** with the Notice of Removal. Attorneys are required to complete a civil cover sheet when a notice of removal is filed in the District of Idaho. The form is available on the Court's website. This form is used by the Clerk of Court to identify the status of all parties and attorneys. See Dist. Idaho Loc. Civ. R. 7.1, Motion Practice and Dist. Idaho. Loc. Civ. R. 81.

(b) **Motions in Cases Removed from State Court.** The filing date of the notice of removal will be considered the filing date of all pending motions previously filed in the state court action, unless otherwise ordered by the Court. If a response and/or reply have also been filed in the state court action prior to the filing of the notice of removal, no further response or reply pleadings will be accepted. If a response to the motion has not been filed in the state court action, the response deadline will be twenty-one (21) days after service of the notice of removal. If a response to the motion was filed in the state court action but a reply to the response has not been filed in the state court action, the reply deadline will be fourteen (14) days after the filing of the notice of removal.

## CIVIL RULE 5.5 PROTECTION OF PERSONAL PRIVACY

(a) In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including or shall partially redact, where inclusion is necessary, the following personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court:

(1) **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.

(2) **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(3) **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used.

(4) **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

(5) **Home addresses.** Only the city and state shall be identified.

(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal only if the party believes maintenance of the unredacted material in the Court record is critical to the case. The document must contain the following heading in the document, "SEALED DOCUMENT PURSUANT TO E-GOVERNMENT ACT OF 2002". This document shall be retained by the Court as part of the record until further order of the Court. The party must also electronically file a redacted copy of this document for the official record.

(c) In order to comply with the Judicial Conference Policy, in addition to the items listed in section (a) above, the Court shall not provide public access to the following documents: unexecuted warrants of any kind; pretrial bail or presentence investigation reports; statement of reasons in the judgment of conviction; juvenile records, documents containing identifying information about jurors or potential jurors; financial affidavits filed in seeking representation pursuant to the Criminal Justice Act; ex parte requests for expert or investigative services at Court expense; and sealed documents.

(d) In addition to the redaction procedures outlined above, the Judicial Conference policy requires Counsel to redact the personal identifiers noted in (a), which are contained in any transcripts filed with the Court. Counsel should follow the transcript redaction procedures outlined on the Court's web site. <http://www.id.uscourts.gov/CourtReporter/Transcripts.pdf>

(e) You are advised to exercise caution when filing documents that contain the

following:

- (1) Personal identification number, such as driver's license number;
- (2) Medical records, treatment and diagnosis;
- (3) Employment history;
- (4) Individual financial information;
- (5) Proprietary or trade secret information;
- (6) . Information regarding an individual's cooperation with the government;
- (7) Information regarding the victim of any criminal activity;
- (8) National security information;
- (9) Sensitive security information as described in 49 U.S.C. section 114(s).

(f) Counsel is strongly urged to share this information with all clients so that an informed decision about the inclusion of certain materials may be made. If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that the redaction of personal identifiers is done. The clerk will not review each pleading for redaction.